IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE C.N.RAMACHANDRAN NAIR

WEDNESDAY, THE 6TH JUNE 2007 / 16TH JYAISHTA 1929

WP(C).No. 20728 of 2006(P)

PETITIONER:

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1. D.RAJENDRAN,
   VENGAVILA VEEDU, ARACKAL, EDAYAM P.O.,
   KOLLAM DISTRICT.

2. D. MOHANAN,
   V.P. HOUSE, ARACKAL, EDAYAM, KOLLAM DISTRICT.

BY ADV. SRI.M.K.SHASHI KUMAR

RESPONDENTS:

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1. THE STATE OF KERALA,
   REPRESENTED BY THE CHIEF SECRETARY, SECRETARIAT,
   THIRUVANANTHAPURAM.

2. ADDITIONAL DISTRICT MAGISTRATE, KOLLAM.

3. KERALA STATE ELECTRICITY BOARD,
   REPRESENTED BY ITS CHIEF ENGINEER,
   VYDHYUTHI BHAVAN, THIRUVANANTHAPURAM.

4. THE EXECUTIVE ENGINEER,
   ELECTRICAL DIVISION, KOTTARAKKARA.

5. ASSISTANT EXECUTIVE ENGINEER,
   ELECTRICAL MAJOR SECTION, AYOOR, KOTTARAKKARA.

6. VIKRAM ASHOK BHAVAN,
   ARACKAL, EDAYAM P.O., KOLLAM DISTRICT.

7. SREEKUMAR,
   KRISHNA KRIPA, ARACKAL,EDAYAM P.O.,KOLLAM DISTRICT

ADDL.8. ASST. ENGINEER, ELECTRICAL SECTION, VALAKAM.
(IMPLEADED AS PER ORDER DATED 7.8.2006 IN WPC)

R1 AND R2 BY GOVERNMENT PLEADER SRI. MOHAMMED RAFFIQ
R3,R4 & R5& ADDL. R8 BY ADV. SRI.C.K.KARUNAKARAN, SC FOR KSEB
R6 BY ADV. SRI. ARUNRAJ.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 06/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONERS' EXHIBITS:

EXT.P1 TRUE COPY OF THE REQUEST FILED BY THE FIRST PETITIONER TO THE 4TH RESPONDENT DATED 31.7.2002

EXT.P2 TRUE COPY OF THE REMINDER DATED 10.3.2004 SENT BY THE 1ST PETITIONER TO THE 4TH RESPONDENT.

EXT.P3 TRUE COPY OF THE OBJECTION FILED BY THE PETITIONERS/OBJECTIONS BEFORE THE 2ND RESPONDENT.

EXT.P4 TRUE COPY OF THE ORDER DATED 3.7.2006 PASSED BY THE 2ND RESPONDENT.

EXT.P5 TRUE COPY OF THE REVISION PETITION DATED 18.7.2006 FILED BY THE PETITIONER/OBJECTION BEFORETHE 2ND RESPONDENT.

EXT.P6 TRUE COPY OF THE POSTAL RECEIPT DATED 31.7.2002 FOR SENDING EXT.P1 TO ADDL. 8TH RESPONDENT.

EXT.P7 TRUE COPY OF THE NOTICE DATED 23.8.2006 RECEIVED BY THE PETITIONERS.

EXT.P8 TRUE COPY OF THE REWQUEST DATED 16.9.2006 MADE BY THE PETITIONERS TO THE 5TH RESPONDENT.

5TH RESPONDENT'S EXHIBITS:

EXT.R5(a) A TRUE COPY OF THE ROUGH SKETCH.

TRUE COPY

P.S. TO JUDGE.

C.N.RAMACHANDRAN NAIR,J.

W.P.C. NO. 20728 OF 2006

Dated this the 6th day of June, 2007

JUDGMENT

This W.P.C is filed challenging the order issued by the second respondent approving retention of electrical line over the second petitioner's house. The case of the petitioners is that the present line was drawn installing a post near the house of the first petitioner for giving connection to the first petitioner. First petitioner has requested for dismantling of connection and removal of electric post near his house. The claim of the second petitioner is that new house is built beneath the line only because line will be removed in terms of the request of the first petitioner. If the present line was drawn for giving connection to the first petitioner then of course the same has to be removed at his request. When the line is removed, the second petitioner's house is also saved. W.P. is accordingly disposed of directing the 5th respondent to draw line through a convenient route avoiding the line passing over the house of the second petitioner. Line should be drawn causing least inconvenience to least number of land

owners. The post now standing near the house of the first petitioner should be shifted and if possible line should be drawn through the boundary of the property of the petitioners.

(C.N.RAMACHANDRAN NAIR)
Judge